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HUMAN RESOURCES MANAGEMENT

Letter dated 8 September 1997 from the Secretary-General to the Chairman of the Group of 77 and China

I refer to your letter of 28 July 1997 (A/51/955) relating to the implementation of General Assembly resolution 51/226 of 3 April 1997, in particular section III.B, paragraph 26, which provides that "persons on short-term appointments filling regular budget posts or extrabudgetary posts of one year or more cannot apply for or be appointed to their current posts within six months of the end of their current service".

In the light of established practice and in answer to concerns expressed by many delegations, the expression "short-term appointments" is understood to refer to staff appointed for less than one year without issuance of a vacancy announcement and without reference to the Appointment and Promotion Board machinery.

In my letter of 3 May 1997, and after advice from the Legal Counsel, I informed the General Assembly that I intended to exempt staff who were serving on peacekeeping support account posts and International Tribunal posts as of 3 April 1997 from the application of paragraph 26.

The Legal Counsel subsequently advised that, in accordance with staff regulation 12.1 and the jurisprudence of the Administrative Tribunal on acquired rights, a limited exception to paragraph 26 should also be made for staff on appointments of less than one year who had served against any type of post when, as of 3 April 1997, the recruitment process had reached a stage of commitment or one so advanced as to create for the individuals involved an acquired right to the completion of the process.

Several staff members on appointments of less than one year who were not exempted from the application of paragraph 26 were separated at the end of their appointment, as required by section III.B, paragraph 9, of the resolution which severely restricts temporary appointments against regular budget posts or extrabudgetary posts authorized for one year or longer.

The information requested in points (b) through (e) of your letter is provided in the table annexed to the present letter.

I appreciate the commitment of the Group of 77 and China to work with the Secretariat for the greater efficiency and effectiveness of the Organization.

(Signed) Kofi A. ANNAN
Secretary-General

ANNEX

Data on implementation of section III.B, paragraph 26, of General Assembly resolution 51/226

Country	Number and nationality of staff who, as of 3/4/97, were on appointments of less than one year under the 100 series of the Staff Rules (a)	Number and nationality of staff who have been asked to leave the Organization pursuant to the implementation of the resolution (b)	Number and nationality of staff recruited after the adoption of the resolution. These are staff members who were appointed for less than one year under the 100 series of the Staff Rules (c)	Number and nationality of staff exempted from the application of paragraph 26 of the resolution (d)	Reasons for exemptions and department where staff member works
Algeria	1				
Argentina	5			1	ECLAC. Exemption to respect acquired right of staff member and to avoid retroactive application (as defined by the Administrative Tribunal).
Australia	5		3	2	DPKO. Two support account posts; exemption based on letter of 3 May 1997.
Austria	1			1	CSS. Support account post; exemption based on letter of 3 May 1997.
Barbados	1		1		
Brazil	3	1			
Bulgaria	3			1	ECA. Exemption owing to shortage of candidates for advertised post.
Burundi	1				
Cameroon	2				
Canada	10			4	OIOS. One exemption owing to shortage of candidates for advertised positions of Auditor. DPKO. Two support account posts; exemption based on letter of 3 May 1997. CSS. One support account post; exemption based on letter of 3 May 1997.
Chile	6	1	2		
China	2				
Colombia	1	1			
Congo	1			1	DPKO. Support account post; exemption based on letter of 3 May 1997.

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Costa Rica	1				
Côte d'Ivoire	2				
Djibouti	1				
Ecuador	1				
Ethiopia	3				
Finland	1				
France	13	1		1	ECLAC. Exemption to respect acquired right of staff member and to avoid retroactive application (as defined by the Administrative Tribunal).
Germany	2				
Ghana	1			1	CSS. Support account post; exemption based on letter of 3 May 1997.
Guyana	1				
Hungary	1				
India	3		2	1	CSS. Support account post; exemption based on letter of 3 May 1997.
Indonesia	1				
Iran (Islamic Republic of)	1				
Ireland	1			1	DPKO. Support account post; exemption based on letter of 3 May 1997.
Israel	1				
Italy	2				
Kenya	1		1	1	OIOS. Exemption owing to shortage of candidates for advertised positions of Auditor.
Liberia	2				
Lithuania	1	1			
Mauritius	1	1			
Mexico	2				

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Netherlands	2				
New Zealand			1		
Nigeria	2	1			
Peru	4				
Poland	3				
Romania	1				
Russian Federation	5				
Rwanda	2	1			
Senegal			1		
Sierra Leone	1				
South Africa			1		
Spain	1				
Sri Lanka	2		1		
Swaziland	1				
Sweden	1			1	OLA. Support account post; exemption based on letter of 3 May 1997.
Switzerland	2				
Syrian Arab Republic	1				
Trinidad and Tobago	2				
Tunisia	1				
Uganda	2				
United Kingdom of Great Britain and Northern Ireland	10	1	1	3	DPA. Exemption to respect acquired right of staff member and to avoid retroactive application (as defined by the Administrative Tribunal). ECE. Exemption to respect acquired right of staff member and to avoid retroactive application (as defined by the Administrative Tribunal).

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					UNCTAD. Exemption to respect acquired right of staff member and to avoid retroactive application (as defined by the Administrative Tribunal).
United Republic of Tanzania	1	1			
United States of America	26	2	1	8	DPKO. Four support account posts; exemption based on letter of 3 May 1997. OLA. One support account post; exemption based on letter of 3 May 1997. CSS. Three support account posts; exemption based on letter of 3 May 1997.
Uruguay	2				
Uzbekistan	1				
Venezuela	1		1		
Yemen	1				
Yugoslavia	1				
Zambia	2				
Total	163	12	16	27	

Abbreviations used in the present table:

CSS: Office of Conference and Support Services.
DPA: Department of Political Affairs.
DPKO: Department of Peacekeeping Operations.
ECA: Economic Commission for Africa.
ECE: Economic Commission for Europe.
ECLAC: Economic Commission for Latin America and the Caribbean.
OIOS: Office of Internal Oversight Services.
OLA: Office of Legal Affairs.
UNCTAD: United Nations Conference on Trade and Development.